

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



September 21, 2004

ALL COUNTY LETTER (ACL) NO. 04-12

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY FISCAL OFFICERS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Changes
- ☐ Federal Law or Regulation Change
- ☒ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: Implementation of the February 20, 2004 and August 17, 2004 Amended Orders of the United States District Court in Rosales v. Thompson and Associated Claiming Instructions

REFERENCE: All County Letter 03-43 and All County Information Notice I-53-04

The purpose of this ACL is to inform counties of changes to the instructions previously issued in ACL 03-43 regarding eligibility for the federal Aid to Families with Dependent Children (AFDC) - Foster Care (FC) program for children living with relatives. That earlier ACL notified counties of the approval of California's Title IV-E State Plan Amendment which adopted Manual of Policies and Procedures (MPP) Section 45-202.332. This approval was based on the Ninth Circuit Court's decision in California Department of Social Services and Rosales v. Thompson, 321 F.3d 835. At that time, counties were instructed to apply the above-named regulation to cases in which the petition was filed on or after April 1, 2003.

The MPP Section 45-202.332 states that the linkage requirement is met if "the county has information that the child resided with any relative ... during the petition month or within any of the six months prior to the month in which the petition was filed or the voluntary placement agreement was signed, and can establish that the child would have been eligible for AFDC Family Group/Unemployed, based on that home, had application been made while the child was living there." The Court's August 17, 2004 Amended Order clarified that "foster children are eligible for AFDC-FC payments if they were AFDC-eligible prior to their placement in foster care." Thus, AFDC linkage may be based on a relative's home in which the child was living at the time the petition was filed or within the six months prior to the month of petition. This does not include relatives with whom the child was placed after the petition is filed.

As anticipated in the previous ACL, the United States District Court has issued an Amended Order that changes previous instruction. The purpose of this ACL is to inform counties that on February 20, 2004 and August 17, 2004 Amended Orders were issued that require that the broader eligibility criteria stated in MPP Section 45-202.332 be applied to foster care cases that were open on or after March 3, 2003. The court orders that foster care cases open on

March 3, 2003 shall have the broader eligibility criteria applied retroactively back to December 23, 1997. Cases closed, i.e. cases in which dependency has been dismissed and for which the agency no longer has responsibility for placement and care, on or before March 2, 2003 are not affected.

If the child in an open case (1) is not receiving foster care benefits (for example, if the child is not receiving any benefits or is receiving CalWORKs or Adoption Assistance Payments), (2) is receiving State foster care benefits (for example is in a group home or other licensed facility), or (3) is an Emergency Assistance (EA) case, the county must redetermine eligibility under the new criteria. Most children who meet the new criteria will be eligible for benefits based on their residence with a needy or non-needy qualified caretaker relative unless the child has significant income and resources or some other factor which would make him/her ineligible. (See ACL No. 02-45 regarding the \$10,000 property limit.)

The Order requires that all nonfederal foster care cases be reviewed no later than eight months from the date of issuance of the Amended Rosales Order filed August 17, 2004. In order to comply with the required timeframe, it is recommended that the county immediately review any case identified as potentially eligible for foster care payments based on the Rosales Order. For example, a case could be identified as potentially eligible as the result of a redetermination or of a six month court status review. All reviews and payment adjustments to cases that meet Rosales and federal foster care eligibility requirements must be completed by April 17, 2005.

As part of this review, the county must also ensure that the appropriate licensing/approval standards are met, i.e. that the child is in a licensed facility or approved relative home. Under the Court's August 17th Order, if the relative foster family home is approved as meeting licensing standards on or after March 3, 2003, the home is determined to be approved retroactively to the date of placement with that relative, or December 23, 1997, whichever is later. The county must ensure that the homes where the child is residing on or after March 3, 2003, have been properly approved and only these homes are eligible for retroactive benefits. Relative placements previous to the one existing on March 3, 2003, are not eligible to receive a foster care payment; however, they may be used to determine that the Rosales linkage requirement has been met for federal Title IV-E funding purposes, i.e. the child had resided with the previous relative at the time of initial petition or within any of the six months prior to the petition to remove. It is not necessary to reconstruct approvals for the periods previous to the first correctly documented approval. (See ACL No.'s 02-78, 02-85, and 04-02 for relative assessment standards.)

The county must ensure that the costs claimed for federal financial participation (FFP) do not duplicate payments made under any other federal program, e.g., AFDC-FC, Temporary Assistance for Needy Families (TANF), including EA payments, etc. that the provider received on behalf of the child. (Claiming instructions are explained in a separate section of this ACL.)

Petitions Filed on or After March 3, 2003

The MPP Section 45-202.332 allows that where a child can not be linked to AFDC based on the home of legal removal [usually the parent(s)], the child may be linked for federal foster care purposes to a qualified relative's home if the child would have been eligible for AFDC in that

home and lived in that home when the petition was filed or in the six months prior to the petition month. Therefore, children residing with relatives prior to the date of petition are eligible for federal foster care benefits provided all other eligibility criteria are met. This will apply to cases in which the petition was filed on or after March 3, 2003.

Cases Open on March 3, 2003

All foster care cases in which there was an open dependency jurisdiction on March 3, 2003 and can be linked to AFDC based upon the home of a relative with whom the child resided at the time the petition was filed or within the six months prior to the month of petition, whether or not the home was approved, are potentially entitled to retroactive benefits prior to March 3, 2003 provided all other eligibility criteria are met. Thus, a child residing in a relative home, foster family home, group home, or other licensed community care facility on March 3, 2003 is potentially retroactively eligible for federal foster care benefits for the entire period subsequent to December 23, 1997.

For the appropriate rates, please refer to ACL No.'s 98-27, 98-70, 99-66, 00-64, and 01-55.

Claiming Instructions for Administrative and Assistance Costs Associated with Rosales Implementation

The federal Department of Health and Human Services (DHHS), Region IX, has specified certain requirements for the reporting of the costs associated with Rosales implementation. Specifically, all assistance costs, as well as adjustments to Child Welfare Services (CWS) administrative costs, associated with the period from December 1997 through December 2003 must be reported in a special one-time adjustment claim for Title IV-E reimbursement. The CDSS has prepared instructions and a specific claim form, TEMP CA 800 ROSALES, for counties to utilize for reporting Rosales costs. Enclosed you will find the following:

- Attachment I: Claiming Instructions for Administrative and Assistance Costs Associated with Rosales Implementation
- Attachment II: Rosales v. Thompson Retroactive Payments Form
- Attachment III: Rosales v. Thompson Worksheet, Administrative Cost Calculation Form
- Attachment IIIA: County Expense Claim (CEC) Codes

Counties are reminded to follow these instructions for the submission of all costs associated with Rosales v. Thompson implementation, including any adjustments to the CalWORKs assistance claims and state foster care assistance claims for foster care and adoptions.

To ensure that the State meets claiming requirements, all completed Rosales claim forms must be submitted no later than April 30, 2005. Counties are reminded that they must submit only one form for the entire period for all affected cases.

Costs incurred from January 2004 forward do not require separate reporting and should be incorporated into the adjustment lines of the current month's assistance claims or in a supplemental CEC.

Questions and Answers

Questions that have been received from the counties regarding the Rosales Order are attached with appropriate answers. See Attachment IV.

Additional Instructions

If you have any program policy questions, please contact your county's Funding and Eligibility Unit Consultant at (916) 657-1912.

If you have any fiscal claiming questions regarding assistance costs for Rosales, please e-mail them to assistance.claims@dss.ca.gov. Any questions regarding administrative cost adjustments on the CEC, please e-mail them to fiscal.systems@dss.ca.gov.

Sincerely,

BRUCE WAGSTAFF
Deputy Director
Children and Family Services Division

GLORIA MERK
Deputy Director
Administration Division

Enclosures

Claiming Instructions for Administrative and Assistance Costs Associated with Rosales Implementation

The U.S. District Court's February 9, 2004 order in the Rosales v. Thompson case, as amended on February 20, 2004, requires each county to review all foster care cases open on or after March 3, 2003 to determine eligibility under the broader criteria established in MPP 45-202.332. Counties must pay all benefits due as a result of these reviews within 30 days of the determination of eligibility. This ACL provides claiming instructions for assistance costs impacted by Rosales v. Thompson and application of the revised Title IV-E Discount Rate to administrative costs resulting from a shift in cases from non-federal to federal eligibility.

Claim Form: TEMP CA 800 Rosales (9/04) Instructions

A special claim form has been designed specifically for reporting Rosales assistance and administrative expenditures. A sample form is included as Attachments II and III.

- Attachments II and III are samples only; an electronic form is available in Excel format on the CDSS Extranet at www.cdsscounties.ca.gov/AAC/aac.htm.
- The patterned cells contain formulas; these cells will calculate automatically.
- The dark grey cells are closed and are not to be used.
- For purposes of this ACL, specific cells have been patterned and shaded for instructional purposes. The form downloaded from the County Extranet Website will not include these cell markings.

Assistance Costs –General Information

- Assistance costs will be reported by FFY (see left column on Attachment II) and by the following time periods (see column headers on Attachment II) which relate to the approval criteria for relative homes:
 - December 23, 1997 through November 30, 2001: California implemented pre-ASFA safety requirements.
 - December 1, 2001 through December 31, 2002: AB 1965 requirements were promulgated in December 2001 including new relative home standards.
 - January 1, 2003 through December 31, 2003: New relative approval documentation standards were implemented using mandated SOC forms in all counties.
- Retroactive payments for Cases Open on March 3, 2003:
Costs may only be claimed for relative home placements provided the county can demonstrate that all licensing/approval requirements have been met as identified for each of the above periods. See Page 2 of this ACL for policy instructions regarding approval requirements. In addition, costs associated with non-federal children in licensed out-of-home care that meet the new eligibility standards under Rosales v. Thompson may be claimed for retroactive Title IV-E reimbursement.

- Payments for Cases Open on or after March 3, 2003:
Payments can be made and claimed for these cases in accordance with Rosales eligibility criteria. Payments to relative providers may be made provided they meet all licensing/approval requirements. Funding adjustments may also be made if a case was initially designated as Non-federal Foster Care, Adoption Assistance or EA and is now determined to be federally eligible.

Instructions for Calculating Assistance Claim (Attachment II)

- Cases initially designated as CalWORKs: (December 23, 1997 through March 2, 2003)
 - Do **not** re-designate aid codes or reverse previous CalWORKs assistance payments. Only the differential payment amounts between the CalWORKs payment and the higher Foster Care payment amount should be calculated and paid to the relative provider.
 - Calculate the difference between the amount originally paid and the appropriate higher federal Foster Care rate; include this amount on the 'Relative Placements' line.
 - The persons count and the incremental payment amount are to be identified on Attachment II by time period covered and for each FFY, as appropriate.
 - The difference will be funded with Title IV-E funds at the applicable Federal Medical Assistance Percentage (FMAP) rate (the applicable FMAP rate is identified for each FFY on the form); the non-federal share of the increased portion for Federal Foster Care will be funded at 40 percent /60 percent (State/County).
- Cases initially designated as CalWORKs: (March 3, 2003 through December 31, 2003)
 - Upon determination of Rosales IV-E eligibility, re-designate cases from Aid Code 33 to Aid Code 42. (*Note: When re-designating aid codes, the county must ensure the new aid codes are reported in the child's CWS/CMS case file and eligibility file.*)
 - Reverse the original CalWORKs grant by reporting the amount as an offset on Attachment II; the total amount for all cases is to be included on the '<CalWORKs Offset>' line.
 - Calculate and report the full federal Foster Care Payment amount on Attachment II for the appropriate time period on the 'Relative Placement' line.
 - Calculate the difference between the full Foster Care and CalWORKs payments and pay the difference to the relative provider.
 - Attachment II has been programmed to calculate county reimbursement for these cases to reflect the net of the full federal foster care payment as offset by the initial CalWORKs grant. The federal foster care payment is shared at the applicable FMAP rate and 40 percent/60 percent (State/County) for the nonfederal share; the CalWORKs grant is shared at 97.5 percent TANF and 2.5 percent County.
- Cases initially designated as Non-federal Out-of-Home Placement from December 23, 1997 through December 31, 2003, and Non-federal Foster Care, Adoption Assistance, and/or Emergency Assistance (EA) from March 3, 2003 – December 31, 2003
 - No additional payment should be issued to the provider since rates for both the federal and Non-federal cases are the same; only the Federal/State/County sharing ratios are affected.

- Upon determination of Rosales IV-E eligibility, on a separate worksheet (to be kept at the county level), calculate the difference in Federal, State and County shares that will be paid as a federal Foster Care, Adoption, or EA case as opposed to the original payment as a nonfederal Foster Care, Adoptions, or EA case. The total payment amount should be the same for pre and post Rosales consideration; only the composition of the funding will change (increase in federal share with an offsetting decrease in state and county shares). The applicable FMAP rate for the Foster Care program is identified on Attachment II.
- Re-designate aid codes for the payment period **March 3, 2003 through December 31, 2003** as follows: (**Note: When re-designating aid codes, the county must ensure the new aid codes are reported in the child's CWS/CMS case file and eligibility file.**)
 - Non-federal Foster Care cases from Aid Code 40 to Aid Code 42 (Federal Foster Care).
 - EA Foster Care cases from Aid Code 4K to Aid Code 42 (Federal Foster Care).
 - Non-federal Adoption Assistance cases from Aid Code 04 to Aid Code 03 (Federal Adoption Assistance).
 - Report the persons count and the **differences** in Federal, State and County shares on Attachment II by time period covered and by FFY on the 'Out of Home Placements' or 'Adoptions' lines, as appropriate. (**Note: The totals reported on Attachment II for this category of out-of-home placements should always equal zero.**)
 - Counties will be reimbursed the increased federal share, offset by the decreased state share, as a result of this shift.
 - In this calculation, the non-federal share of the foster care and adoption assistance cases will be funded at 40 percent/60 percent (State/County) and 75 percent /25 percent (State/County), respectively.

- **Current Payments – January 1, 2004 forward:**

- Effective January 1, 2004 and forward pursuant to federal instructions, it is not necessary to track or report Rosales cases separately. Therefore, all current Rosales v. Thompson costs should be included in the county's regular monthly Assistance claims. Adjustments for January 2004 through the current month should be reported as a current month positive/negative adjustment on the current month claims as appropriate. When making adjustments:
 - Re-designate aid codes to properly reflect a federally eligible Foster Care or AAP case.
 - Currently, if a CalWORKs case, reverse the CalWORKs payment and reissue as Foster Care payments using the correct aid code; report adjustments on the appropriate current month claims.

Administrative Costs – Attachment III - TEMP CA 800 Rosales (9/04)

As a result of the court order, counties may also be eligible for additional case management costs associated with the shift in funding from CalWORKs to federal Foster Care, Adoptions, or EA. However, due to system and workload constraints, a revised CEC template can not be issued to make these administrative cost adjustments for the period impacted by Rosales

under these instructions (December 23, 1997 through December 31, 2003). Submission of administrative cost claims for this time period is at the county's option. ***CDSS strongly encourages counties to test expenditures for at least one quarter to determine whether it is feasible/cost effective to calculate the fund shift.*** For those counties opting to submit a claim, the costs must be calculated outside of the normal CEC process. Attachment III is designed to calculate and compare the audited administrative costs for the codes listed on Attachment IIIA before and after applying the adjusted federal/nonfederal discount ratios. The county's reimbursement amount will be the net increase in federal funds as offset by corresponding reductions in federal/state funds. Counties are to enter data in the appropriate fields on Attachment III.

- For administrative cost adjustments, each case paid can be added to the numerator (total federal Foster Care cases) **only** if cases were previously included in the denominator (total Foster Care cases).
- Enter the current number of federal and non-federal cases from the DFA 325.1, Lines AD and AE.
- Enter the number of Rosales cases that are being shifted from nonfederal to federal.
- The formulas in Attachment III will automatically calculate the current and revised ratios.
- Enter the total expenditures for the Codes identified in Attachment IIIA for the appropriate FFYs and time periods.
- The worksheet will apply the ratios to the expenditures and calculate the funding shifts automatically.
- Total administrative costs will be carried forward automatically to the Summary by Funding/Certification page of the CA 800 Rosales form which summarizes the total claim amount.

Retention of Records

Counties must retain all supporting documentation for audit purposes.

Submission of Claims

If you have no costs to report for this period, please complete and certify the form indicating zero expenditures. Only one claim for the entire retroactive period (December 23, 1997 through December 31, 2003) will be accepted. There will be no supplemental claims processed for these costs. All completed claim forms must be submitted by April 30, 2005 to:

assistance.claims@dss.ca.gov

The county must either fax the signed certification to (916) 654-1750, Attention: County Assistance Payment Unit, or mail the original signed certification to the following address:

California Department of Social Services
Financial Services Bureau
County Assistance Payment Unit
744 P Street MS 13-72
Sacramento, California 95814

ROSALES V. THOMPSON RETROACTIVE PAYMENTS**December 23, 1997 - December 31, 2003**

[All Rosales claims must be submitted no later than April 30, 2005. Only one claim may be submitted for the entire period].

COUNTY NAME					County Contact		Telephone No.		Claiming Month			
	Rosales vs. Thompson 12/23/97 - 11/30/01				Rosales vs. Thompson 12/1/01 - 12/31/02				Rosales vs. Thompson 1/1/03 - 12/31/03			
	Fed IV-E	State	County	Total	Fed IV-E	State	County	Total	Fed IV-E	State	County	Total
ASSISTANCE PAYMENTS												
FFY 98 (10/1/97-9/30/98) (FMAP Rate 51.23%)												
Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
Total FFY 98												
Persons Count												
FFY 99 (10/1/98-9/30/99) (FMAP Rate 51.55%)												
Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
Total FFY 99												
Persons Count												
FFY 2000 (10/1/99-9/30/00) (FMAP Rate 51.67%)												
Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
Total FFY 2000												
Persons Count												
FFY 2001 (10/1/00-9/30/01) (FMAP Rate 51.25%)												
Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
Total FFY 2001												
Persons Count												
FFY 2002 (10/1/01-9/30/02) (FMAP Rate 51.40%)												
Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
Total FFY 2002												
Persons Count												

ROSALES V. THOMPSON RETROACTIVE PAYMENTS **December 23, 1997 - December 31, 2003**

Attachment II

COUNTY NAME					County Contact		Telephone No.		Claiming Month			
	Rosales vs. Thompson 12/23/97 - 11/30/01				Rosales vs. Thompson 12/1/01 - 12/31/02				Rosales vs. Thompson 1/1/03 - 12/31/03			
	Fed IV-E	State	County	Total	Fed IV-E	State	County	Total	Fed IV-E	State	County	Total
FFY 2003 (10/1/02-9/30/03) (FMAP Rate 50%)												
*Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
**Funding Adjustment (Shift from Nonfederal to Federal Adoptions) (FMAP Rate 50.00%)												
Total FFY 2003												
Persons Count												
FFY 2004 (10/1/03-12/31/03) (FMAP Rate 50%)												
*Relative Placements												
Out-of-Home Placements (Shift from Nonfederal to Federal Foster Care)												
**Funding Adjustment (Shift from Nonfederal to Federal Adoptions)												
Total First Quarter of FFY 2004												
Persons Count												
TOTALS, ALL FFYs												
									TANF (97.5%)	SGF	County (2.5%)	Total
<CalWORKs Offset>												
NET TOTALS, ALL FFYs												

* For the period prior to March 3, 2003, counties are to report only the incremental difference between the original CalWORKs payment and the higher federal foster care rate. Effective 3/3/03 through 12/31/03, counties must reverse the entire CalWORKs payment and fully fund the federal foster care payment; report the foster care payment in the designated cells; the offsetting CalWORKs payments for all cases must be totaled and entered on the CalWORKs Offset Line.

** Only include Rosales costs for AAP from March 3, 2003 forward.

ROSALES V. THOMPSON RETROACTIVE PAYMENTS
December 23, 1997 - December 31, 2003
SUMMARY BY FUNDING/CERTIFICATION

Attachment II

[All Rosales claims must be submitted no later than April 30, 2005. Only one claim may be submitted for the entire period].

COUNTY NAME	County Contact	Telephone No.	Claiming Month
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	Fed Title IV-E	Federal TANF	State	County	Total
SUMMARY BY FUNDING					
Foster Care					
Adoptions					
<CalWORKs Offset>					
Net Total Assistance - All FFYs					
TOTAL ADMINISTRATIVE COSTS					
GRAND TOTAL ASSISTANCE AND ADMINISTRATIVE COSTS					
Total Number of Persons					

SAMPLE

COUNTY WELFARE DIRECTOR'S CERTIFICATION

I hereby certify, under penalty of perjury, that I am the official responsible for the administration of the public welfare programs in said county; that I have not violated any of the provisions of Sections 1090 to 1096, inclusive, of the Government Code; that the amounts that the payments, repayments and adjustments reflected herein have been made in accordance with all provisions of the Welfare and Institutions Code and the rules and regulations of the California Department of Social Services

COUNTY AUDITOR'S CERTIFICATION

I hereby certify, under penalty of perjury, that I am the official responsible for the examination and settlement of accounts; that I have not violated any of the provisions of Sections 1090 to 1096, inclusive, of the Government Code; that the amounts claimed herein are in accordance with authorizations for the above-referenced public assistance programs made by the county; that said amounts correctly reflect State and County shares in the aid payments claimed and that warrants therefore have been issued, according to law and the rules and regulations of the California Department of Social Services.

Signature of County Welfare Director	Date	Signature of County Auditor	Date
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Please submit the original certification page to the following address or fax to (916) 654-1750, Attention: County Assistance Payment Unit (if a fax is submitted, the original certification must be kept on file at the county):

California Department of Social Services
 Financial Services Bureau
 County Assistance Payment Unit
 744 P Street MS 13-72
 Sacramento, California 95814

**ROSALES V. THOMPSON
WORKSHEET
ADMINISTRATIVE COST CALCULATION**

Attachment III

[All Rosales claims must be submitted no later than April 30, 2005. Only one claim may be submitted for the entire period].

FFY		Ratio Calculation				Rate	Total Expend for Codes in Attach IIIA	Total Adjustment*	50% Federal	70% State	30% County	Net Payment to County
		Cases from CEC	Ratio	Rosales Cases	Revised Cases							
1998	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					
1999	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					
2000	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					
2001	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					
2002	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					
2003	Federal Cases						Revised Fed					
							Revised NonFed					
	Nonfederal Cases						Original Fed					
							Original NonFed					
	Total						Incremental Diff.					

ROSALES V. THOMPSON
WORKSHEET
ADMINISTRATIVE COST CALCULATION

Attachment III

		Ratio Calculation							Total Expend for Codes in Attach IIIA	Total Adjustment*	50% Federal	70% State	30% County	Net Payment to County
FFY		Cases from CEC	Ratio	Rosales Cases	Revised Cases	Revised Ratio		Rate						
Dec	Federal Cases						Revised Fed							
2003							Revised NonFed							
Qtr	Nonfederal Cases						Original Fed							
							Original NonFed							
	Total													
							Incremental Diff.							
TOTAL CLAIM*														

*The total claim amount will automatically carry forward to the summary page (Page 11)

**COUNTY EXPENSE CLAIM CODES
AFFECTED BY FEDERAL/NONFEDERAL DISCOUNT RATIO**

Program Code	Description
007	Relative/Non-Relative Home Approvals
008	SUO Relative/Non-Relative Home Approvals
358	SUO CWS Background Check (Nonfederal)
359	CWS/ Live Scan/CLETS Background Checks
155	Foster Family Home Licensing
156	Foster Family Licensing – Nonfederal
158	Foster Family Licensing – Training
137	Options for Recovery/Foster Parent Training
195	SUO Options for Recovery/Foster Parent Training Nonfederal
523	Options for Recovery/Recruitment
561	SUO Options for Recovery/Recruitment
005	Specialized Training for Adoptive Parents
006	STAP Respite Care
578	Extended Voluntary Foster Care Admin
598	Extended Voluntary Foster Care Evaluation
595	Extended Voluntary Foster Care Admin Federal
010	IV-E Waiver Intensive Services Admin
011	IV-E Waiver Intensive Services Admin
012	IV-E Waiver Intensive Services Admin
017	IV-E Waiver Intensive Services Admin Nonfederal
018	Wraparound Admin-Nonfederal
014	IV-E Waiver Family Conferencing
019	IV-E Waiver Family Conferencing Nonfederal
577	Group Home Monthly Visits/CWD
586	Nonfederal Group Home Monthly Visits/CWD
145	CWS-Training
147	CWS Court Related Activities
148	CWS Case Management
154	CWS Case Management Voluntary Foster Care
170	CWS Emergency Hotline Response
110	Non EA-ER
146	CWS Service/Nonfederal
695	EA Case Management Title IV-E
694	SUO EA Case Management Title IV-E
126	Shasta Childrens Program Consortia
024	Shasta Childrens Program Consortia NF
174	Family Preservation Program (FPP)-Training
177	FPP Case Management Preventive Services
179	Case Management Foster Care
175	FPP Services Nonfederal
504	AB 2129 Foster Parent Training
505	AB 2129 Foster Parent Training Nonfederal
506	AB 2129 Foster Parent Recruitment
507	AB 2129 Foster Parent Recruitment Nonfederal
537	CWS/CMS Conversion Training
539	CWS/CMS Conversion Training Nonfederal

Attachment IV
Questions and Answers
August 17, 2004 Amended Order of the
United States District Court in Rosales v. Thompson

1. **Question:** If child is placed with a relative, other than the relative from whom removed, after petition is filed at any time during the month in which the petition is filed, i.e. petition filed March 6, 2003—child placed March 13, 2003, is the child eligible?

Answer: No. The child must have been residing with the relative at the time the petition was filed or within the previous six months.

2. **Question:** Does the Rosales case allow for federal linkage to be based on a relative's home in another state?

Answer: Yes, if all other eligibility requirements were met.

3. **Question:** If minor is removed from parents whose income exceeds the MBSAC and resided with a relative during any of the six months prior to the month in which the petition was filed, is eligibility based on the parents' income?

Answer: No, eligibility is not based on the parents' income. Eligibility is based on the relative home in which the child resided at the time the petition is filed or in any of the six months prior to the petition month. The child is eligible if the county can establish that the child would have been eligible for AFDC-FG/U, based on that home, regardless of whether the child was living there in the month of petition. Most children will be eligible for benefits with a needy or non-needy caretaker relative unless the child has significant income and resources or some other factor which would make him/her ineligible. Remember, when determining whether financial need and deprivation existed, the month of petition is used even if the child had not lived with the relative in the month of petition. (See ACL 02-45 regarding the \$10,000 property limit.)

4. **Question:** If minor children are removed from father and residing with relative at time petition is filed and are in receipt of Social Security Survivor Benefits are they ineligible based on the amount of the benefits?

Answer: Yes, minor children are ineligible if income limit is exceeded. Income limits apply as they always have.

5. **Question:** Are children voluntarily placed into foster care eligible based on Rosales?

Answer: Yes, if the child was living with a relative within any of the six months prior to the date the voluntary placement agreement was signed and all other eligibility requirements are met. (See ACL No. 01-33 for voluntary placement requirements.)

6. **Question:** Is there a specific amount of time the child must have lived with the relative in the six months prior to the petition date?

Answer: No, there is not a specific amount of time; however, based on 45 CFR Section 233.90 Factors Specific to AFDC, Section (c)(v)(B), an overnight stay or week-end visit with a relative does not establish that the child was "living with" the relative. There must be an indication that the relative was responsible for the day to day care of the child. Section 233.90(c)(v)(B) states, "A home is the family setting maintained or in process of being established, as evidenced by assumption and continuation of responsibility for day to day care of the child by the relative with whom the child is living. A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting. Within this interpretation, the child is considered to be "living with" his relative..."

7. **Question:** In determining deprivation under Rosales is the deprivation always “absent parent”?
- Answer:** Yes. Under Rosales, the eligibility for foster care benefits is based on the child’s AFDC-FC eligibility in the relative’s home. A child residing with a relative would be considered deprived of parental support or care. This meets the requirement of MPP 45-202.11. The FC 2 will be revised to reflect this.
8. **Question:** For cases determined retroactively eligible under Rosales, must the Clothing Allowance (CA) or the Specialized Care Increment (SCI) be paid retroactively?
- Answer:** Depends on the individual circumstances of the case. CA may be paid for initial placement and annually if applicable. However, the SCI may only be paid if eligibility based on the child’s special care needs during the retroactive period is supported by appropriate documentation in the child’s case and the services were provided.
9. **Question:** If child is placed with Grandma on March 3, 2003, but had previously been placed with an Aunt on June 1, 2002, is the Aunt eligible for foster care payments based on the Rosales Order?
- Answer:** No. The Court Order requires that homes approved on or after March 3, 2003, be considered approved for the purpose of retroactive benefits back to December 23, 1997. Also, foster care benefits must be utilized for the child’s care. Therefore payment of retroactive benefits is limited to the relative caring for the child on March 3, 2003.
10. **Question:** Should the county review probation foster care cases for potential Rosales eligibility?
- Answer:** Yes.
11. **Question:** Should the counties still utilize the Minimum Basic Standard of Adequate Care (MBSAC) and the 185 percent Income Test that existed on July 16, 1996, when determining income for Rosales eligible cases?
- Answer:** Yes. Under the Rosales Order, the child may be determined eligible based on the relative’s home with whom the child was residing at the time the petition is filed or in the six months prior to the month of petition. If the child is considered an AU of one, the relative’s income is irrelevant and so is the MBSAC. If the relative is included in the AU, then the relative’s income is tested utilizing the MBSAC. ACL 98-01 is still applicable.